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November 11, 2003

Date

Miyabi Grace

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Express Mail** EV 311271767 US  
**Label No.**

**Group Art Unit:****Applicant(s):** Roger Carignan**Examiner:****Filed:** November 11, 2003**Docket No.** 58298-011500

**Title:** A CUSTOM REPLACEMENT DEVICE FOR  
RESURFACING A FEMUR AND METHOD OF  
MAKING THE SAME

**Customer No.** 33717

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT [37 C.F.R. § 1.56]

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

This Information Disclosure Statement is being submitted within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

No fee is due. However, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, or to credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

GREENBERG TRAURIG, LLP

By

  
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FORM PTO-1449	Attorney Docket Number	58298-011501
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	EV 311271767 US
	Filing Date	November 11, 2003
	Applicant(s)	Roger Carignan
	Group Art Unit	
	Examiner Name	

U.S. PATENT DOCUMENTS						
EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,748,662	Jul 31, 1973	Helfet	623	20.31	Apr 21, 1972
	3,878,566	Apr 22, 1975	Bechtol	3	1.91	May 8, 1974
	4,007,495	Feb 15, 1977	Frazier	3	1.91	May 28, 1976
	4,151,615	May 1, 1979	Hall	3	1.91	Jun 29, 1977
	4,178,641	Dec 18, 1979	Grundei <i>et al.</i>	623	20.31	Dec 1, 1977
	4,213,209	Jul 22, 1980	Insall <i>et al.</i>	3	1.911	May 22, 1978
	4,888,021	Dec 19, 1989	Forte <i>et al.</i>	623	20	Feb 2, 1988
	5,011,469	Apr 30, 1991	Forte <i>et al.</i>	623	20	Jul 24, 1989
	5,021,061	Jun 4, 1991	Wevers <i>et al.</i>	623	20	Sep 26, 1990
	5,123,927	Jun 23, 1992	Duncan <i>et al.</i>	623	20	Sep 23, 1991
	5,226,915	Jul 13, 1993	Bertin	623	20.15	Apr 3, 1992
	5,593,450	Jan 14, 1997	Scott <i>et al.</i>	623	20	Feb 27, 1995
	5,702,459	Dec 30, 1997	Hummer <i>et al.</i>	623	20	May 9, 1995
	5,824,098	Oct 20, 1998	Stein	623	20	Oct 3, 1996
	6,171,340	Jan 9, 2001	McDowell	623	18.11	Feb 23, 1999
	6,197,064	Mar 6, 2001	Haines <i>et al.</i>	623	20.31	Mar 3, 1999

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIALS	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 33 05 237	Feb 16, 1983	Germany	A 61 F	1/03	X	
	EP 0 336 861	Oct 11, 1989	European Patent Office	A 61 F	2/38		X
	EP 0 685 210	Dec 6, 1995	European Patent Office	A 61 F	2/38		X
	FR 2 682 589	Apr 23, 1993	France	A 61 F	2/38		X
	GB 2 215 610	Sep 27, 1989	Great Britain	A 61 F	2/38		
	WO 94/13214	Jun 23, 1994	WIPO	A 61 B	17/16		

OTHER DOCUMENTS		
EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
	PCT International Search Report for PCT/US01/08706, Kinamed, Inc. (corresponding international application of prior application)	
	Victor, "Alignment and Component Positioning in Total Knee Arthroplasty," www.belgianorthoweb.be	
	Bobic, "Treatment of Full Thickness Injuries in Articular Cartilage," International Society of Arthroscopy, Knee Surgery and Orthopaedic Sports Medicine (ISAKOS) Day 1 - May 29, 1999, www.medscape.com	

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EXAMINER SIGNATURE	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE